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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 633] नई दिल्ली, मंगलबार, दिसम्बर 6, 1988/अग्रहायण 15, 1910
No. 633] NEW DELHI, TUESDAY, DECEMBER 6, 1988/AGRAHAYANA 15, 1910

इस भाग में भिन्न पृष्ठ संख्या वी आती है जिससे कि यह अलग संकलन के दृश्य में
एक दूसरे से

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

पृष्ठ संख्यालय

प्रधिसूचना

नई दिल्ली, 6 दिसम्बर, 1988

का.पा. 1140(च) :- केन्द्रीय सरकार ने विधि विकल्प कियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की वारा 3 की उपचारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तारीख 4 मई, 1988 को नेशनल काउन्सिल भाक खालिस्तान को विधि विकल्प संघर्ष घोषित किया था;

और केन्द्रीय सरकार ने उक्त अधिनियम की वारा 5 की उपचारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 23 मई, 1988 की विधि विकल्प कियाकलाप (निवारण) अधिकरण गठित किया था जिसमें पठना उक्त अवायलव्य के व्यावाधीन एस.एच.एस. अवैदी थे;

और केन्द्रीय सरकार ने उक्त अधिनियम की वारा 4 की उपचारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना को इस

वार का व्यावरित करने के प्रयोगार्थे कि उक्त संग्रह को विधि विकल्प घोषित करने के लिए पर्याप्त कारण है या नहीं, 22 मई, 1988 को उक्त अधिकरण को निश्चिष्ट किया था;

और उक्त अधिकरण ने, उक्त अधिनियम की वारा 4 की उपचारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 3 नवम्बर, 1988 को प्रावेश प्रारित किया;

प्रब केन्द्रीय सरकार, उक्त अधिनियम की वारा 4 की उपचारा (4) के अनुसरण में उक्त अधिकरण का उक्त प्रावेश प्रकाशित करती है, मर्माण्डः—

प्रावेश

विधि विकल्प कियाकलाप (निवारण) अधिकरण के समक्ष (जांचेजी में प्रकाशित अधिसूचना देखिए)

[एफ.सं.II- 17017/69/83-प्राई.एस. (सी-7)]

एस.सी. भगवान्, उप सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 6th December, 1988

S.O. 1140(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) declared on the 4th May, 1988, the 'National Council of Khalistan' to be an unlawful association;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted on the 23rd May 1988, the Unlawful Activities (Prevention) Tribunal consisting of Shri Justice S. H. S. Abidi, Judge of the Patna High Court ;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 27th May, 1988, for the purpose of adjudicating whether or not there was sufficient cause for declaring the association as unlawful ;

And whereas the said Tribunal in exercise of the powers conferred by sub-section (3) of section 4 of the Act made an order on the 3rd November, 1988 ;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said order of the said Tribunal namely :—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

Reference made under Section 4(1) of the Unlawful Activities (Prevention) Act (Central Act 37 of 1967)

In Re. Reference Case No. 2 of 1988

In the matter of "National Council of Khalistan"

PRESENT :

The Hon'ble Mr. Justice S. H. S. Abidi.

For the Union of India.—Sri S. C. Maheshwari and Sri Y. C. Maheshwari.

For the National Council of Khalistan.—No appearance.

Venue of the sittings and dates of hearing :

(1) At Patna

Chamber of Hon'ble Mr. Justice S. H. S. Abidi in High Court Building, Patna.

Preliminary Sittings on 2-6-1988, 20-6-1988 8-8-1988 and 2-9-1988.

(2) At New Delhi

Ground Floor Hall, Punjab Bhavan, Copernicus Marg, New Delhi.
5-9-1988 to 9-9-1988.
26-9-1988 to 30-9-1988.
1-11-1988 to 3-11-1988.

(3) At Simla

Cedar Circuit House, Shimla.
10-10-1988 to 15-10-1988.

ABIDI, J.—This is a reference under Section 4 sub-section (1) of the Unlawful Activities (Prevention) Act (hereinafter called as the 'Act'). The Central Government by a Notification bearing No. S.O. 469(E) dated 4-5-1988 published in the Gazette of India Extraordinary on the same date declared the National Council of Khalistan as an unlawful Association. The present Tribunal, under Section 5 sub-section (1) of the Act was constituted by the Central Government by a Notification bearing No. S.O. 517(E) dated 23-5-1988. The Central Government further referred to this Tribunal the Notification dated 4-5-1988 issued under sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1947 for the purpose of adjudicating whether there is sufficient cause for declaring the said organisation as unlawful.

2. Notices were issued under sub-section (2) of Section 4 of the said Act on the Association as well as on the office bearer of the Association by registered post/Acknowledgment due (Ext. G|35). But the registered covers were returned unserved with the endorsement of the postal peon indicating that they were not found. The Tribunal adopted the modes of service of Notice as prescribed under Rule 6, Unlawful Activities (Prevention) Rules 1968, as also under Order 5 Rule 20 (Cl. 1-A) of the Code of Civil Procedure by publication through English and other vernacular newspapers of the State of Punjab in the last known address of the Association and its office-bearers. The aforesaid Notice under sub-section (2) of Section 4 of the said Act called upon the Association and its office bearers to show cause within thirty days from the date of service of such notices as to why the Association should not be declared unlawful. The notices were served by publication in six daily newspapers of the State of Punjab, namely, the Tribune dated 1-8-1988, the Indian Express, the Hind Samachar, the Punjab Keshri, the Akali Patrika and the Nawan Zamana all dated 2-8-1988 (Ext. G|36). The Association or its office-bearers did not make appearance. Thereafter, Notice under sub-section (3) of Section 4 dated 22-8-1988, calling upon the Association and its office-bearers to participate during the enquiry proceedings at Punjab Bhavan, Copernicus Marg, New Delhi was also published in English and vernacular newspapers of the State of Punjab (Ext.

G|37) but the Association or its office bearers made no appearance. The Association was afforded opportunity still further and the notice notifying the dates of enquiry during the two sittings at New Delhi and Simla was again published in English and vernaculars newspapers of the State of Punjab (Ext. G|38). But the affected Association or its office bearers did not appear and hence all along the enquiry proceeded *ex parte*.

3. In this connection, it may be worthwhile to delineate the relevant provisions of the Act. Under Section 3 sub-section (1) of the Act, the Central Government is empowered to declare any Association unlawful if it is of the opinion that such an Association has become unlawful. Section 3 sub-section (2) of the Act requires that Government should specify the grounds and other particulars on the basis of which such a Notification has been issued. Such Notification would not have effect until the Tribunal confirms such a declaration under sub-clause (3) of Section 4 of the Act. The Central Government is, however, empowered to give immediate effect to the Notification if circumstances render it so necessary within the proviso to sub-section (3) of Section 3 of the Act. Sub-section (4) of Section 3 of the Act and Rule 4 of the Unlawful Activities (Prevention) Rules lay down the modes of service of such Notification. Sub-section (1) of Section 4 of the Act deals with reference of the Notification to the Tribunal for the purpose of adjudicating whether or not there was sufficient cause for declaring the Association unlawful. Sub-section (2) of Section 4 requires the Tribunal to issue notice to show cause on the Association or its office-bearers within thirty days from the date of service of Notice as to why the Association should not be declared unlawful. Sub-section (3) of Section 4 lays down the provisions of enquiry in the manner specified under Section 9 of the Act and after calling for further information as the Tribunal considered necessary it may pass such order either confirming or cancelling such Notification. Section 6 of the Act provides that in the event of the confirmation of the Notification by the Tribunal, the declaration will remain in force for a period of two years from the date on which the Notification becomes effective. The Notification under review will have the period of operation of two years within the meaning of Section 6 of the Act, if it survives the tests enshrined in the various provisions of the Act.

4. The Central Government has advanced a case before the Tribunal that the present Notification (Ext. G|7) is a sequel to continued secessionist anti-national and extremist and unlawful activities of the organisation, namely, 'National Council of Khalistan' despite declaration as an 'unlawful Association' on earlier

occasions since May 1982. It appears that Notifications issued on 1st May, 1982, 1st May, 1984 and 1st May, 1986 respectively followed by the verdict of the Tribunals constituted under the Act consisting of Hon'ble Shri Justice D. N. Mehta, Judge Bombay High Court, Hon'ble Shri Justice P. R. Gokula Krishna, the then Judge of Madras High Court and Hon'ble Shri Justice C. Sriamalu, a Judge of the Andhra Pradesh High Court respectively confirming the declaration therein under Section 4(3) of the Act (Exts. G|1 to 6), precede the present Notification (Ext. G|7) and during the period of operation of the above Notifications, the Central Government has cited instances of the Unlawful Activities, within the meaning of Section 2(f) of the Act, indulged in by the affected association, while advancing their case of a competent, valid and justified declaration as 'Unlawful Association' within Section 3(f) of the Act.

The Notification aforesaid is a sequel to certain murky developments, factual details of which deserve brief mention. The concept of Khalistan was mooted by Shri Jagjit Singh Chauhan, who was Finance Minister, Punjab in the Akali Dal Ministry in 1968. He went to England after the fall of the Ministry and raised slogans for 'Khalistan' as an independent homeland for the Sikhs. On the 16th June, 1980 Shri Balbir Singh Sandhu, Secretary General of the Organisation issued a declaration in front of Akal Takhat Sahib at Amritsar announcing the establishment of the Government of Khalistan under the presidentship of Dr. Jagjit Singh Chouhan. They indulged in issuing currency notes, postal stamps and passports of the so-called Government of Khalistan. Even during the continuance of ban after declaration as 'Unlawful Association', its members and activists continued to indulge in anti-national, secessionist and extremist activities. Khalistani flag was hoisted at Guru Ram Das Sarai and cyclostyle copies of the Constitution of Khalistan were circulated. After the operation 'Blue Star' in June 1984, Dr. Jagjit Singh Chouhan, President of the National Council of Khalistan extended threats through foreign media to the late Prime Minister of India Smt. Indira Gandhi and other national leaders thereby instigating the Sikh extremists to do the job, announcing huge sums of money for the purpose. The National Council of Khalistan issued Khalistani currency notes, Khalistani passport forms and postal stamps. Dr. Jagjit Singh Chouhan, President of the National Council of Khalistan disseminated literature relating to Government of Khalistan abroad, having his headquarters at Toronto (Canada) and London (U.K.), presenting, *inter alia*, a distorted version on the alleged excesses committed on the Sikh population, particularly the protagonists of Khalistan for fomenting passion of the community.

Although the affected Association or its office-bearers did not appear, the Central Government will have to establish its case on its own.

5. Under the above background and in view of the present Notification (Ext. G/7) issued by the Central Government [S.O. No. 469(E)] referred to the Tribunal under Section 4(1) of the Act, the following points arise for determination in this case :—

1. Whether the Notification (Ext. G/7) issued by the Central Government is in accordance with the provisions of the Act ?
2. Whether the Central Government has shown sufficient cause for declaring 'National Council of Khalistan' as an Unlawful Association ?
3. Whether the Notification aforesaid dated 4-5-1988 made under sub-section (1) of Section 3 of the Act be confirmed or cancelled ?

FINDINGS

6. Point No. 1.—G.W. 1 Mr. C. T. Benjamin, Joint Secretary, Ministry of Home Affairs, Government of India, being incharge of the Internal Security Division in the Ministry of Home Affairs has been dealing with the internal security matters especially those relating to Punjab situation. As the representative of the Central Government, it is in his evidence that the Notification was issued by the Central Government, taking into account the information and data and having regard the 'Unlawful Activities' indulged in by the leaders and office-bearers of the National Council of Khalistan despite the ban during two years' period from 1-5-1986 to 30-4-1988. The Notification came into force with immediate effect for valid reasons. G.W. 1 has deposed that the fact of the issuance of the Notification including its coming into force with immediate effect was duly published in the newspapers in compliance with the provisions of the Act and the Rules made thereunder. It appears from the evidence that in compliance with sub-clause (4) of Section 3 of the Act consequent upon a request letter by the Home Ministry (Ext. G/26) to the Director of Audio Visual Publicity, Ministry of Information and Broadcasting, the Notification issued by the Central Government was published in all the daily newspapers in English and other vernacular languages. The tearsheets of the newspapers are Ext. G-28. Other modes of service as provided under sub-clause (a), (b) and (c) under sub-section (4) of Section 3 of the Act have also been adopted, which becomes evident from the communication received by the Government of India from the Punjab Government (Ext. G/30) reporting compliance of the instructions given in Ext. G/29. The evidence of

G.W. 1 and the documents referred to above clearly establish the fact that the Government had complied with the provisions of Section 3 of the Act while issuing the Notification (Ext. G/7). Hence the above point is answered in the affirmative in favour of the Central Government.

7. Point Nos. 2 and 3.—These points being identical are taken up together for the sake of convenience.

Before dwelling on the evidence to find out the sufficiency or otherwise of the materials before the Central Government justifying the issuance of the Notification declaring the 'National Council of Khalistan' as an 'Unlawful Association', it is expedient to refer to the scope and the meaning of such expressions as 'Association', unlawful Association and 'Unlawful Activities' with reference to the Act :—

"'Unlawful Association' has been dealt with in section 2(g) of the Act which reads as follows :—

Section 2(g).—Any Association.—

- (i) which has far its object.—
- (a) any unlawful Activity ; or
- (b) any activity which is punishable under section 153A I.P.C. ; or
- (c) any activity which is punishable under section 153B I.P.C. ; or
- (2) which encourages or aids person :—
- (a) to undertake any unlawful activity ; or
- (b) to undertake any activity punishable under section 153-A I.P.C. ; or
- (c) to undertake any activity punishable under section 153B I.P.C. ; or
- (3) whose members themselves :—
- (a) undertake any unlawful activity ; or
- (b) undertake any activity punishable under section 153-A I.P.C. ; or
- (c) undertake any activity punishable under section 153-B I.P.C.

is an 'Unlawful Association'.

Section 2(f) of the Act defines 'Unlawful Activity' as follows :—

- 2(f) "Unlawful Activity" in relation to an individual or association means any action taken by such individual or association (whether by committing an act or by

words, either spoken or written or by signs or by visible representation or otherwise.—

- (i) which is intended or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession;
- (ii) while disclaims, questions, disrupts or is intended to disrupt the sovereignty or territorial integrity in India.

The expression 'cession of a part of the territory of India' has been defined under section 2(o) the Act as an expression which includes the admission of the claim of any foreign country to any such part. The expression 'secession of a part of the territory of India from the Union' has been defined in section 2, clause (d) as an expression which included the assertion of any claim to determine whether such part would remain a part of the territory of India.

The Notification of the Central Government aforesaid under S.O. 469(E) must fulfil the above ingredients on the touchstone of the evidence adduced on behalf of the Central Government in the instant case. The Notification reads as follows :—

"S.O. 469(E).—Whereas the organisation known as the 'National Council of Khalistan' (hereinafter referred to as the Council).—

- (i) which had through the declaration of Shri Balbir Singh Sandhu, its Secretary-General, proclaimed as its objective the establishment of an autonomous, separate Sikh State of 'Khalistan' has been encouraging the Secessionist and violent activities of the organisation known as 'Dal Khalsa'.
- (ii) whose President, Dr. Jagjit Singh Chauhan, who also claims himself to be the 'President' of the 'Republic of Khalistan', has been openly advocating from public platforms abroad that the Sikh Quam cannot survive unless a sovereign independent State of Khalistan is created, and extending support to other like minded separatist organisation, and issuing threats to the Prime Minister of India.
- (iii) whose office bearers and activists abroad in collaboration with Members of like minded organisation have been issuing and

circulating in India so called currency notes, pledge forms, and passport application form in the name of the so called "Republic of Khalistan" and greeting cards in the name of 'Khalistan Sircar' containing pro Khalistan slogans;

- (iv) whose resident, Dr. Jagjit Singh Chauhan had established contracts with the Panthic Committee, which is an extremist sikh body operating in India and urged its members to raise the Khalistan demand had offered all support to them;
- (v) whose activists in India, in collaboration with members of other militant extremist organisations, are indulging in pro-Khalistan and anti Hindu propaganda and had hoisted the 'Khalistan' flag in the Golden Temple Complex and released balloons containing pro-Khalistan propaganda material on the 26th January, 1988 ;

And, whereas, the Central Government is of the opinion that for the reasons aforesaid, the Council is an unlawful association;

And, whereas the Central Government is further of the opinion that because of the talks, utterances, writings and other activities of the President and other activists of the Council, it is necessary to declare the Council to be unlawful with immediate effect;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the 'National Council of Khalistan' to be an Unlawful Association, and directs, in exercise of the power conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette."

The Central Government has thus adduced five grounds in the Notification. The learned counsel for the Central Government Sri S. C. Malleshwari in course of his argument made exhaustive references to the evidence both oral and documentary adduced by the Central Government in support of the grounds advanced in the Notification as also additional grounds showing indulgence in the 'unlawful activities' by the National Council of Khalistan and its activists.

8. The evidence showing specific instances of 'Unlawful Activities' by the said Association and its

members and activists has been sought to be led by the Central Government. As many as twelve witnesses have been examined by the Central Government in this case. Reliance has also been placed on a large number of documents in support of their case. After introducing the facts of the formation of the National Council of Khalistan, C.W. 1, Mr. C. C. Benjamin has stated in his evidence that even after the continuance of ban of the aforesaid Association under the Act, the Secretary General of the Association Shri Balbir Singh Sandhu disclosed on January 13, 1984 that an interim Government, which had been given the name of SARKAR-E-KHALSA had been formed by the Sikhs on January 10, 1984 with headquarters at Takhat Sri Kesgarh Sahib in the town of Anandpur Sahib in the Ropar district. He also hoisted Khalistan flag at Guru Ramdas Sarai and issued cyclostyled copies of the Constitution of Khalistan on January 26, 1984. The clauses of this constitution appear to have been reproduced in the First Information Report dated 26-1-1984, marked as Ext. G|19, G.W. 9 Sri Jagjit Singh of C.I.D. Police produced the original F.I.R. and G.W. 8, Sri Prithpal Singh, a retired D.S.P. corroborate the testimony of G.W. 1. The secessionist activities of Sri Chauhan abroad in establishing office of the Republic of Khalistan at Canada besides U.S.A. and U.K. and the nomination of activists as Governor General, Coordinator, Ambassador, Consulate and Governor, Bank of Republic of Khalistan become manifest from the report dated 13-10-1985 of the D.S.P.|C.I.D. Patiala, who had deposed in this case as G.W. 9. The report is Ext. G|11.

9. Still further instance of 'Unlawful Activities' with the secessionist aim, figuring in the evidence of G.W. 1 corroborated by G.W. 4, a C.I.D. official who produced the original report in this respect (G|124) is that of issuance of Khalistani currency notes, Khalistani passport forms and Khalistani postal stamps. The currency notes of 10 dollar and 50 dollar denominations are Ext. G|13. The original has been produced as Ext. G|13-A. The report of the D.S.P.|C.I.D. dated 23-1-1987 showing that the currency notes had been handed over to him by his source is Ext. 12.

10. Similarly a pledge/membership form and a passport application form issued by the Government in exile of the so called Republic of Khalistan on the better part of the Republic of Khalistan containing insignia of Khalistan and stamp of Ministry of External Affairs, of the so called Republic of Khalistan, purported to have been sent to one Baljit Kaur of Patiala City by one Rajinder Singh Ankhi a top leader of A.I.S.S.F. who used to send pro-Khalistani materials to his friends have been produced as Exts. G|14 and 15. G.A. 8 Sri Bhajan Singh, DSP|CID who had been given the pledge/membership form by his source

has stated that the pledge is for working whole heartedly for the Republic of Khalistan to establish Sikh Raj. The copies of his source report are dated 2-5-1986, showing the 'unlawful activities' by the Association and its activists even during the continuance of the ban.

11. G.W. 1 has further testified about a Greeting Card issued on the Baisakhi day under the name of Surjan Singh alleged to have been nominated as the Governor of the Bank of Khalistan, in Punjabi and English to Sikh Sangat of the historic Sikh Gurudwara Dina in the District of Faridkot. The Greeting card insignia and the report of the D.S.P.|C.I.D. in this respect are Exts. G|16 and 17 respectively showing preachings for a sovereign Sikh State. The original source report and the original greeting card was produced by C.W. 3 Sri Brij Mohan. He has also produced a source report (Ext. G|18) dated 24-7-87 of the D.S.P.|C.I.D. Bhatinda showing the contacts of Dr. Chauhan with the members of the Panthic Committee in the second half of 1987 bringing its members to raise the demand for Khalistan emphatically. G.W. 1 has been further corroborated in his above evidence by G.W. 3. Brijmohan who produced the intelligence report (Ext. G|18-A) as also in his evidence that the Sikh Muslim friendship society in U.K., Canada and U.S.A. had been formed to raise voice against the atrocities on minorities in India, for which purpose Dr. Chauhan seemed to have met the Chinese leaders and rebel Naga leader in U.K.

12. Yet another instance of the 'Unlawful Activities' is the nomination of eleven member council of Khalistan by the five member Panthic Committee entrenched in the Golden Temple Complex, in which the protagonists of Khalistan settled in U.S.A., Canada and Norway were given representation. Both G.W. 1 and G.W. 5 give identical evidence to this effect. The directive of the Panthic Committee to the Sikhs urging them to support the demand for Khalistan, resulting in institution of F.I.R. No. 201 dated 21-11-87 under sections 124-A, 153-A I.P.C. and sections 3|4 of the Terrorist and Disruptive Activities (Prevention) Act appears to have been produced along with the original source report (Exts. G|19 and 20). The resolution of the Panthic Committee held in November 1987 expressing resolve to continue fight till the acceptance of the demand for Khalistan and three pages note issued by the Council of Khalistan also finds place in the intelligence report (Exts. G|22 and 23). The original reports dated 27-11-1987, have also been produced by G.W. 5, Mr. Rajinder Singh, S.P.|C.I.D. who confirms the version of G.W. 1 in this regard.

13. The evidence of G.W. 1 as regards the call of Dr. Chauhan to the protagonists of Khalistan in Punjab to continue their struggle of the attainment of Khalistan assuring financial and arms aid to them also seems

to be contained in the intelligence report dated 2-12-1987 from the D.S.P. (C.I.D.) Hoshiarpur (Ext. G/24) and the original report has been produced by G.W. 2 Sri Jaga Singh (Ext. 24-A).

14. The further instance relates to an incident on 4-4-1988 when Khalistani maps had been pasted on the walls inside the Golden Temple Complex and in such maps Chandigarh was named as Satwant Nagar and Delhi Aerodrome as Beant Singh Nagar. The evidence of Sri Ajit Singh, G.W. 7 who was on duty near the Golden Temple Complex on that day attributes such unlawful activity to one Jagir Singh, a leader of the council of Khalistan who had been killed in operation 'Blue Thunder' in Golden Temple in May last. Subsequently a case F.I.R. No. 53 dated 4-4-1988 under section 4(1) T.D.A. (P) Act 1987 was registered at Kotwali Police Station Amritsar. G.W. 7 brought the original report (Exts. G/32, G/32A).

15. G.W. 8 Sri Prithpal Singh, in his evidence traces the brief history of the 'unlawful activities' of the Association, also carried on during the continuance of ban in the last two years, thus supporting the evidence of G.W. 1.

16. G.W. 10 Sri Gurunam Singh, an Agriculturist also deals with the pro-Khalistani activities of the Association and its office bearers. His evidence shows that after the formation of the National Council of Khalistan, the extremist activities in Punjab took an alarming turn, in Patiala four young I.P.S. officers had been killed and massacres mostly of Hindu had taken place.

17. G.W. 11 Sri R. S. Ahuja, an official in the Home Ministry produced the White Paper on Punjab Agitation regarding the secessionist Activities of the National Council of Khalistan. The White Paper (Ext. 33) published on July 10, 1984 dwells, inter alia, on the avowed object of the National Council of Khalistan in demanding the creation of an independent sovereign Sikh State and the role of its protagonists, namely, Sri Jagjit Singh Chouhan and Sri Balbir Singh Sandhu and other activists in indulging in

platant 'Unlawful Activities' to fulfil their secessionist aim, preaching armed battle as the only way of achieving 'Khalistan'. G.W. 12 Sri Maslo Chand speaks about the publication of the Notification in the Punjab Government Gazette (Extraordinary) dated 19th May 1988 (Ext. G/34). His evidence is material on the point of publication. The publication of the Notices U/s. 4(2) and 4(3) of the Act by the Tribunal has been proved through him (Ext. G/36 to G/38).

18. The evidence relied upon by the Central Government remains uncontested as the affected Association did not appear nor participated in the enquiry despite repeated Notice as set out above.

19. The cumulative effect of the oral and documentary evidence relied on by the Central Government as also the circumstances referred to above lead me to the irresistible conclusion that the Central Government has established sufficient cause for the issuance of the Notification U/s. 3(1) of the Act. The continued 'Unlawful Activities' even during the continuance of ban of the above organisation as referred to above warrant an order of confirmation of the declaration in the Notification (Ext. G/7) within section 4(3) of the Act.

20. In view of my findings as set out above, I hereby confirm the declaration made by the Central Government in the Notification (Ext. G/7) dated 4-5-1988.

A copy of this order is directed to be forwarded to the Central Government immediately for being published in the Official Gazette of India.

Punjab Bhavan,
Copernicus Road, New Delhi,
The 3rd November, 1988.

S. H. S. ABIDI, Chairman

[F. No. II/17017/69/88-IS(D. VII)]

S. C. AGRAWAL, Dy. Secy.

